

Exhibit 320

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the August 28, 2009 Declaration of Sarah L. Reid in Support
of Dey's Opposition to Plaintiffs' Motion for Partial Summary Judgment**

Morgan, Patricia Kay

Tampa, FL

November 30, 2007

Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3
4 THE COMMONWEALTH OF MASSACHUSETTS,

5 Plaintiff,

6 vs.

CIVIL ACTION NO.

7 MYLAN LABORATORIES INC.;

03-CV-11865-PBS

8 BARR LABORATORIES, INC.;

9 DURAMED PHARMACEUTICALS, INC.;

10 IVAX CORPORATION; WARRICK

11 PHARMACEUTICALS CORPORATION;

12 WATSON PHARMACEUTICALS, INC.;

13 SCHEIN PHARMACEUTICALS, INC.;

14 TEVA PHARMACEUTICALS USA, INC.;

15 PAR PHARMACEUTICAL, INC.;

16 DEY, INC.; ETHEX CORPORATION;

17 PUREPAC PHARMACEUTICAL CO.; and

18 ROXANE LABORATORIES,

19 Defendants.

20 _____/
21 VIDEOTAPED DEPOSITION OF PATRICIA KAY MORGAN

22 Taken on Behalf of the Defendant

Morgan, Patricia Kay

November 30, 2007

Tampa, FL

Page 21

1 basically talk about how First DataBank did not
2 have a, quote, 10 percent rule, correct?

3 A. That's correct.

4 Q. And the 10 percent rule, as I understood
5 from your prior testimony, basically meant that
6 there was at least some -- a theory that in order
7 to achieve a generic price indicator for a
8 particular drug, that the generic price had to be
9 less than -- 10 percent less than the brand price.
10 Understanding that that's a theory, do you
11 basically understand that -- what I'm trying to set
12 forth there, that that's the theory, not that
13 that's what First DataBank did?

14 MR. MULLIN: Objection; form.

15 THE WITNESS: Yes, I understand your question.
16 And while it was not what we did, there was a
17 perception in the industry that there was such a
18 rule.

19 MR. FARQUHAR: No further questions.

20 And I understand the way that this deposition
21 will work is that the Commonwealth of Massachusetts
22 will proceed to ask questions on cross-examination.